

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.	Application 11-05-017 (Filed May 16, 2011)
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DECISION GRANTING COMPENSATION TO THE NATURAL RESOURCES DEFENSE COUNCIL FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-08-040

Claimant: Natural Resources Defense Council	For contribution to D.12-08-044
Claimed (\$): \$46,702.50	Awarded (\$): \$32,702.00 (reduced 30%)
Assigned Commissioner: Catherine J.K. Sandoval	Assigned ALJ: Kimberly Kim

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	Decision (D.) 12-08-044 adopted budgets and approved the applications of the four large California investor-owned utilities (IOUs) for their 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Program (ESAP). The decision adopts rules and policies for how efficiency and bill assistance services are delivered to customers. The decision further establishes pilots and working groups to test and examine various aspects of the program during the 2012-2014 program cycle.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	As Stated by Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	August 8, 2011	Yes
2. Other Specified Date for NOI:	n/a	N/A
3. Date NOI Filed:	September 9, 2011	September 7, 2011

4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 09-08-009	Yes
6. Date of ALJ ruling:	January 28, 2010	Yes
7. Based on another CPUC determination:		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	Application (A.) 11-05-017 et al.	Yes
10. Date of ALJ ruling:	October 28, 2011	Yes
11. Based on another CPUC determination:		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.12-08-044	Yes
14. Date of Issuance of Final Decision:	August 30, 2012	Yes
15. File date of compensation request:	October 29, 2012	Yes
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Claimant’s description of its contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059):

Contribution to D.12-08-044	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
<ul style="list-style-type: none"> The following italicized headers correspond to the substantive issue areas used to categorize staff timesheets. 		
<i>1. Integration (B)</i> ➤ Natural Resources Defense Council (NRDC) argued that the Commission should more closely integrate the CARE and ESA programs. To the extent possible, all income-eligible low-income customers should first receive efficiency services through ESAP before remaining on the CARE subsidy, to save all customers money and provide	<ul style="list-style-type: none"> NRDC Response to IOU Applications (06/20/11), p. 3, 17. NRDC Comments (01/23/12), p. 2-5. 	No. D.12-08-044 does not adopt NRDC’s specific recommendations. The CPUC has previously supported “integration” generally.

<p>long-lasting bill relief.</p> <ul style="list-style-type: none"> ➤ NRDC recommended the Commission develop effective marketing and messaging tools to motivate customers to take action beyond participation in ESAP and develop and pilot programs to provide ‘second cut’ services to ESAP-eligible households that are designed to address the array of barriers facing California’s low-income customers. ➤ To better align ESAP with other demand-side management (DSM) programs available to utility customers, NRDC argued the Commission should (1) provide clear policy direction for ESAP in furtherance of energy savings to match the resource objectives of other DSM programs; (2) employ a cost-effectiveness (CE) test that syncs with the framework used for other Commission-approved DSM programs in the general energy efficiency proceeding; and (3) view ESAP not only as means of delivering energy savings to eligible low-income customers, but as a platform to drive participation in other DSM programs. 	<ul style="list-style-type: none"> • D.12-08-044, p. 39: “NRDC states that integration can only move forward if the Commission provides a clear policy of aligning the ESA Program’s success metrics, and cost-effectiveness tests with those of other demand-side programs.” • D.12-08-044, p. 40. The Commission agreed with NRDC’s recommendation of providing tailored information to participating ESAP customers, noting “as suggested by many parties in this proceeding, we believe that the solution to such barriers lie in the effective delivery of information, specifically tailored to low income communities.” 	
<p>2. <i>Program Design and Delivery Model (D)</i></p> <ul style="list-style-type: none"> • NRDC argued the Commission must provide policy direction to the IOUs as program administrators in furtherance of energy savings for the ESAP program to achieve its “key policy objective” of providing an energy resource. NRDC calculated that, for three of the four IOUs, ESAP will provide fewer benefits/dollar spent in 2012-2014 than in 2009-2011 (assessed under the Total Resource Cost test). • NRDC argued for the Commission to adopt energy-saving metrics by which to gauge the success of ESAP, alongside home-treated targets, to better align the program with the twin objectives set out by the Strategic Plan for ESAP: (1) to reach all willing and eligible customers 	<ul style="list-style-type: none"> • As directed by the Administrative Law Judge (ALJ), NRDC led Workshop #2 (Review of ESAP), presenting on and facilitating a full-day discussion of ESAP objectives, policies, and barriers to capturing energy savings. • NRDC Response to IOU Applications (06/20/11), p. 5-9. • NRDC Prehearing Conference Statement (08/01/12), p. 3, 6. • NRDC Testimony (11/18/11), p. 5-7. • NRDC Opening Brief (02/02/12), p. 3-7. • D.12-08-044, p. 61: “We agree that the ESA Program, as with all mature programs and changing times, can 	<p>Yes.</p>

<p>by 2020, and (2) to provide a reliable energy resource.</p> <ul style="list-style-type: none"> NRDC argued for a more flexible delivery model that can better account for the diversity in energy usage and efficiency opportunities within the low-income customer segment. 	<p>always benefit from design and delivery improvements. We therefore commit to an ongoing focus on program improvements... As a next step, we have ordered three significant working groups. Two of those groups are charged with reviewing issues designed specifically to better inform the Commission on the ESA Program design and delivery improvements going forward.”</p> <ul style="list-style-type: none"> D.12-08-044, p. 65 “We should explore how we should prioritize and/or approach bill saving and energy saving in the overall ESA Program cost-effectiveness framework and approach, as part of the Cost-effectiveness Working Group efforts.” 	
<p>3. <i>Marketing Education and Outreach (E)</i></p> <ul style="list-style-type: none"> NRDC argued that all the IOUs’ ESA programs should move to paperless enrollment to cut costs and improve outreach capabilities. This echoed a key finding of the Process Evaluation and firsthand experience on a ride-along with ESAP contractors. 	<ul style="list-style-type: none"> NRDC Response to IOU Applications (06/20/11), p. 14. D.12-08-044, p. 56: “NRDC generally supports the IOUs’ overall movement away from the paper-based operation of the ESA Program.” D.12-08-044, p. 234 “NRDC generally supports the IOUs’ efforts to streamline program delivery and encourage all of the IOUs to transition to paperless customer enrollment.” D.12-08-044, p. 61 “[ESAP] should move towards paperless operations, and (2) the program should provide outreach and assessment contractors with more information before getting into a home to better prepare and enable them to understand that household and tailor measures to the household, while also reducing visits, and wherever feasible, complete installations in a single visit.” 	<p>Yes. We note that the final quote from the decision is actually on p. 63, not 61.</p>
<p>4. <i>Cost Effectiveness (G)</i></p>		<p>Yes.</p>

<ul style="list-style-type: none"> • NRDC argued extensively and in detail on the need for Cost-Effectiveness reform in ESAP, highlighting the decline in energy savings achieved by the program and deficiencies in employing a measure-based framework. • At the Cost-Effectiveness workshop, NRDC introduced and presented a proposal on how to modify the current CE framework in advance of the next program cycle. NRDC argued the program should move to a portfolio-based framework for energy-saving (“resource”) measures, coupled with a measure-based list of Commission-approved non-energy saving (“equity”) measures. • NRDC argued for the Commission to establish a cost-effectiveness working group to develop a revised methodology in advance of the next program cycle. 	<ul style="list-style-type: none"> • As directed by the ALJ, NRDC co-led Workshop #3 (Cost-Effectiveness Methodology and Measures), presenting on and facilitating a full-day discussion of the ESAP cost-effectiveness methodology, its shortcomings, and proposals on how to improve it in advance of the next program cycle. • NRDC Response to IOU Applications (06/20/11), p. 10-11. • NRDC Testimony (11/18/11), p. 8-13. • NRDC Opening Brief (02/02/12), p. 8-10 • NRDC Comments (01/23/12), p. 6-11. • D.12-08-044, p. 72: “On October 24, 2011, the Commission held a workshop on this topic. The workshop yielded robust and thoughtful discussion among the parties. Most parties, in their responses to the December 2011 Ruling, restated that the cost-effectiveness framework currently used to evaluate the ESA Program measures needs to be revisited.” • D.12-08-044, p. 73 “Toward refining the ESA Program’s current cost-effectiveness framework, if appropriate, the Commission will endeavor to explore ways of stretching the limited ratepayer funds toward (1) producing significantly more energy savings than today and (2) also significantly increasing the low income households’ energy bill savings than today.” • NRDC Testimony (11/18/11), p. 7-8. • D.12-08-044, p. 76 Based on our substantive input, the proposed decision in this proceeding designated 	
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	NRDC to direct and organize the Working Groups along with Energy Division, including the Cost-Effectiveness Working Group. However, given that the Commission is unable to direct a party in this manner, the final decision found “We find this working group approach reasonable and sound, and we direct the Energy Division to promptly allocate resources toward convening the ESA Program cost-effectiveness working group (CE Working Group).”	
<p>5. <i>ESA Program Measures (H)</i></p> <ul style="list-style-type: none"> Overall measure mix: NRDC argued the Commission should not approve the IOUs’ applications as proposed, as they would result in more measuring being retired from the ESA programs than added during the 2012-2014 cycle. NRDC opposed retiring measures on the basis of the current CE methodology until the formal review approved by the Commission had concluded. Smart strips: NRDC argued for Pacific Gas and Electric Company (PG&E) to include smart strips in its ESA program. 	<ul style="list-style-type: none"> NRDC Response to IOU Applications (06/20/11), p. 13. NRDC Testimony (11/18/11), p. 13. NRDC Opening Brief (02/02/12), p. 10. D.12-08-044, p. 86 “NRDC opposes the retiring of any measures as proposed by the IOUs, and urges the Commission to revisit the methodology for how measures are introduced, retired, and evaluated for their cost-effectiveness.” D.12-08-044, p. 88 “... [we] reserve these objections for further review and consideration in a potential subsequent decision in the context of our CE framework review.” NRDC Testimony (11/18/11), p. 15. D.12-08-044, p. 118 “NRDC recommends that PG&E add smart power strips into their portfolio. We agree with several parties and even PG&E that argue the smart power strips could be an excellent, energy saving measure to add into its ESA Program portfolio. D.12-08-044, p. 119 “We direct PG&E to file, within 60 days of the effective date of this decision, (1) the 	<p>In part. NRDC should generally apply for compensation if and when the CPUC actually adopts its recommendations on the subjects of measurement and smart strips. However, D.12-08-044 does adopt NRDC’s recommendation on high efficiency forced air units.</p>

<ul style="list-style-type: none"> High-efficiency FAU furnaces: NRDC argued for Southern California Gas Company (SCG) to include high-efficiency forced air unit furnaces in its ESA program after it piloted successfully in the last cycle. 	<p>CE values for this measure for each of the different housing types and climate zones that they cover, to see if they pass the CE Test, and (2) an estimate for the costs, energy savings values, as well as the projected quantity (by housing type and climate zone) of this measure to be installed for each program year. Those projections will be reviewed and incorporated into the approved budget to augment as necessary.”</p> <ul style="list-style-type: none"> NRDC Opening Brief (2/2/12), p. 12. NRDC Comments on Proposed Decision (PD) (05/24/12), p. 5. D.12-08-044, p. 119 “As NRDC correctly points out, the record lacks cost-effectiveness values for this measure of each of the gas fueled IOUs.” D.12-08-044, p. 119 “...the gas IOUs are to file, within 60 days of the effective date of this decision, (1) the cost-effectiveness values for this measure for each of the different housing types and climate zones that they cover, to see if they pass the CE Test, and (2) an estimate for the costs, energy savings values, as well as the projected quantity (by housing type and climate zone) of this measure to be installed for each program year.” 	
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<p>6. <i>Multifamily – enrollment and delivery (L)</i></p> <ul style="list-style-type: none"> ➤ NRDC highlighted the disparity in the number of ESAP measures available to multifamily (MF) households and the number of MF households served. NRDC asked for a workshop to further examine how ESAP serves MF customers. ➤ NRDC supported three key recommendations of California Housing Partnership Corporation (CHPC)/ National Consumer Law Center (NCLC)/ National Housing Law Project (NHLP) to improve delivery of ESAP services to the MF customer segment: (1) to provide a single point of contact for owners/managers of MF buildings to access the array of utility-financed energy efficiency programs; (2) to eliminate the value of housing subsidies as a source of income in determining income eligibility for ESAP; and (3) to expedite enrollment procedures for tenants in MF housing, including building-level eligibility for tenants in assisted housing. ➤ NRDC argued that the concept of “a single point of contact” extend beyond IOU-administered programs to other state and federal energy efficiency programs, including Community Services and Development (CSD) and Weatherization Assistance Program. 	<ul style="list-style-type: none"> • NRDC Response to IOU Applications (06/20/11), p. 11-13. • NRDC Reply Testimony (12/09/11), p. 10-12. • D.12-08-044, p.152 “NRDC generally supports: (1) a single point of contact for ESA Program and other energy efficiency programs’ integration; (2) that housing subsidies not be considered as a source of income under ESA Program rules; and (3) an expedited enrollment process for multifamily housing properties as proposed by NCLC et al.” • D.12-08-044, p.161 “Relative to the IOUs’ internal programs, the proposed concept of single point of contact is approved.” • NRDC Comments on PD (05/24/12), p. 7. • D.12-08-044, p. 161 “During this cycle, the IOUs should explore ways to expand this single point of contact concept to include, where appropriate, coordinate with other non-IOU efficiency or housing renovation programs (e.g., CSD or other local government programs).” 	<p>Yes, in part. D.12-08-044 does adopt the single point of contact recommendation, but does not adopt other recommendations cited here.</p>
<p>7. <i>CARE – High Usage Customer Proposal (P)</i></p> <ul style="list-style-type: none"> ➤ NRDC supported PG&E high-usage CARE customer proposal, and offered recommendations on proposed modifications from the 	<ul style="list-style-type: none"> • NRDC Response to IOU Applications (06/20/11), p. 17. • NRDC Reply Testimony (12/09/11), p. 5. 	<p>Yes.</p>

parties.	<ul style="list-style-type: none"> • NRDC Opening Brief (2/2/12), p. 16. • D.12-08-044, p. 218-219 “NRDC supports these proposed modifications to PG&E’s proposal... Based on the foregoing, we find that PG&E’s proposed CARE Program changes to address the high electric users with over 400% baseline usage on the CARE rate are reasonable and timely. We approve it, with modifications, and also require implementation statewide for all electric IOUs.” 	
<p>8. <i>Calculating Eligible Population (Q)</i></p> <ul style="list-style-type: none"> • NRDC opposed the IOUs’ request to modify the methodology to calculate the eligible ESAP population, arguing the IOUs proposed change would conflate unwilling customers and customers unable to participate due to a program barrier. 	<ul style="list-style-type: none"> • NRDC Response to IOU Applications (06/20/11), p. 14-15. • D.12-08-044, p. 262. “NRDC states that any proposed modification to the 5% unwillingness factor should be based on evidence limited only to customers identified as unwilling or uninterested in the program. While they do not support the proposed increase of 15% or even 19%, the NRDC wonders if these proposed high figures reflect and illustrate that income documentation to be a key barrier to participation in the ESA Program. So rather than relieve the IOUs from an obligation to serve customers who cannot overcome this barrier, NRDC encourages the Commission to authorize the IOUs to employ new strategies to reach customers identified as unlikely to participate in the program as currently structured.” • D.12-08-044, p. 265 “The IOUs are directed to document the reasons <i>why</i> customers are unwilling and/or unable to participate in the program during the 2012-2014 program cycle... the Commission rejects the IOUs proposed increases of the unwillingness factor and require that current 5% unwillingness factor continue be used for 2012-2014.” 	Yes.

<p>9. <i>Program Deadlines, Mid-Cycle Changes (R)</i></p> <p>➤ NRDC argued for the formation of a Mid-Cycle Working Group to address implementation issues as they arise and facilitate best practices across the IOUs.</p>	<ul style="list-style-type: none"> • NRDC Testimony (11/18/11), p. 7-8. • D.12-08-044, p. 282-83 “In the upcoming 2012-2014 program cycle, we will test the IOUs’ meetings as a forum to host the working group concept generally proposed by NRDC...[including] as modified and set forth below, a Mid-Cycle Working Group, and other(s) as Energy Division determines necessary and appropriate for this program cycle.” 	Yes.
<p>10. <i>Working Groups (S)</i></p> <p>➤ NRDC argued for the Commission to establish a Mid-Cycle working group and Cost-Effectiveness working group to improve upon ESA program design and delivery.</p>	<ul style="list-style-type: none"> • NRDC Testimony (11/18/11), p. 7-8. • D.12-08-044, p. 279 “NRDC, in its opening testimony proposes a possible solution in marrying several different proposals/requests in this proceeding, including the IOUs’ proposal to forego the Quarterly Public Meetings and instead conduct one annual meeting. NRDC proposes, instead of the Quarterly Public Meetings, the Commission should convene an advisory group, which NRDC refers to as a working group.” • D.12-08-044, p. 282 “In the upcoming 2012-2014 program cycle, we will test the IOUs’ meetings as a forum to host the working group concept generally proposed by NRDC, as modified and set forth below...” 	Yes, noting that there is significant overlap between this and the previous contribution.

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) ¹ a party to the proceeding?	Yes.	Yes.
b. Were there other parties to the proceeding with positions similar to the Claimant’s?	Yes.	Yes.
c. Names of other parties (if applicable): Numerous other parties participated in this	Yes.	

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

proceeding, including the four IOUs, TELACU, CHPC, The Utility Reform Network (TURN), Opower, and CCSE.	
<p>d. Claimant's description of how Claimant coordinated with ORA and other parties to avoid duplication or of how Claimant's participation supplemented, complemented, or contributed to that of another party:</p> <p>NRDC worked closely with DRA and other parties throughout this proceeding. NRDC met with and checked in frequently with DRA and TURN in particular to craft joint positions, avoid duplication of effort, and find common areas of support. This reduced NRDC's time in responding to certain issues that were discussed and determined another party would take the lead on (e.g., refrigerator replacement criteria). The product of this collaboration is reflected in the joint NRDC-DRA-TURN letter to the Commissioners following the issuance of the PD, which covered a wide range of issues pertinent to both the CARE and ESA programs.</p> <p>In addition, NRDC coordinated closely with CHPC/NCLC/NHLP on the MF recommendations their coalitions was advancing. This effort reduced time NRDC otherwise would have spent presenting proposals, and shaped the recommendations on MF enrollment and delivery which will be a focus in Phase 2 of this proceeding.</p> <p>NRDC also worked closely with representatives from all the IOUs and from ESAP contractors. As a designated lead for two ESAP workshops, NRDC was required to coordinate with other stakeholders in preparing agendas and presentations. This facilitated active discussion on program design proposals, pilots, and refining the contours of the working groups concept ultimately adopted by the Commission. NRDC's input fed directly into the pilot proposals from TELACU et al. and OPower.</p> <p>In advance of the proceeding, to secure a firm understanding of how ESAP currently operates and its origins, NRDC met with IOU representatives and ESAP contractors over a series of extended in-person meetings. NRDC also participated in a ride-along with RHA to experience firsthand how ESAP services are delivered. Time spent on those activities is not claimed in this filing.</p> <p>NRDC's advocacy was spearheaded by one representative, greatly mitigating concerns over internal duplication. As we are only claiming time spent from one advocate, there are no hours claimed from internal collaboration or review.</p>	Yes.

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
9	NRDC		<p>Many of NRDC's recommendations did not receive specific treatment in the final decision, or were not recognized as NRDC recommendations. For instance, NRDC first identified and proposed that SCG should incorporate high-efficiency forced air unit furnaces into its ESA Program, yet the final decision attributes the recommendation to DRA.</p> <p>Due to NRDC's extensive advocacy in this proceeding, NRDC was originally ordered to form working groups with Energy Division during Phase 2. NRDC was later dropped due to concerns over the proprietary of one stakeholder's role as a</p>

			workshop lead, and complications raised by the IOUs over whether they would need to financially compensate NRDC for its time in developing the working groups. NRDC's hours represent substantial analysis and technical calculation, many of which were not incorporated into the final decision, yet were important to provide the record in support of our policy recommendations and build stakeholder consensus and dialogue on how to advance low-income energy efficiency in California.
		X	NRDC has not asserted any substantial contribution for several of the issue categories, despite requesting compensation for time allocated to those categories. We do not compensate for time without a substantial contribution.

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

a. Explanation by Claimant of how the cost of Claimant's participation bore a reasonable relationship with benefits realized through participation:	CPUC Verified
<p>NRDC consistently advocates for policies to maximize cost-effective energy efficiency, ensure that the benefits of energy efficiency are properly accounted for, ensure that the benefits of energy efficiency are available to all customers, regardless of income, and that policies and goals align to enable the utilities to use efficiency as their first energy resource choice (as required by California law). NRDC's continued focus in this and other proceedings is on policies that ensure a reliable, affordable, and environmentally sustainable energy resource portfolio that should have lasting benefits to billpayers at all income levels. NRDC contributed substantially to the "historic" examination of a number of issues addressed in D.12-08-044, many of which will carry over into Phase 2.</p> <p>If the utilities meet the energy savings goals as adopted by D.12-08-044, we estimate savings from the 2012-2014 cycle will capture 289 Gigawatthours, 14.8 million therms, and reduce demand by over 70 megawatt² – equivalent to avoiding the annual CO₂ emissions from over 27,000 cars.³ Not only will these programs provide bill relief and/or improved comfort and health for low-income families, these savings are an important contribution to meeting the state's 2020 greenhouse gas emissions limit required by Assembly Bill 32, the Global Warming Solutions Act of 2006. These benefits vastly exceed the cost of NRDC's participation in this proceeding.</p>	Verified.
<p>b. Reasonableness of Hours Claimed. <i>NRDC's Claims are Reasonable and Conservative</i></p>	Yes.

² Data compiled from Utility Applications Attachment A-2, "Energy Savings Assistance Program Planning Assumptions."

³ Calculation using estimates from the California Air Resources Board. See CARB, Climate Change Scoping Plan Appendices, Vol 2: Analysis and Documentation, p. I-23 (December 2008), available at: http://www.arb.ca.gov/cc/scopingplan/document/appendices_volume2.pdf; and CARB, Conversion of 1MMTCO₂ to Familiar Equivalents, October 2007, available at: <http://www.arb.ca.gov/cc/factsheets/1mmtconversion.pdf>.

<p>The substantial contributions to Commission policy described above would not have been possible without the contribution of NRDC's lead in this proceeding, Alex Jackson.</p> <p>The rates requested by NRDC are purposefully conservative, even though the levels of expertise of would justify higher rates. NRDC maintained detailed time records indicating the number of hours that were devoted to proceeding activities. All hours represent substantive work related to this proceeding.</p> <p>The amounts claimed are further conservative for the following reasons: (1) None of the hours were claimed from time spent by other NRDC staff who consulted regularly on this proceeding and provided substantive work and/or guidance particular to their area of expertise; (2) No time was claimed for pure coordination among the staff, or for discussions of substantive issues to outline comments define advocacy strategy, and develop policy recommendations; (3) we do not claim time for informal conversations with CPUC staff or other stakeholders throughout the proceeding unless they amount to more than 2 hours in a short time period or as part of a settlement agreement (note: we do claim meetings with Commissioners and/or advisors); (5) we do not claim time for substantive review; (5) we do not claim time for regulatory requirements associated with our advocacy (e.g., time spent writing ex parte notices for the proceeding), (6) no time was claimed for advocacy blogs to influence the outcome of the Commission's final decision.</p> <p>In addition, we do not claim all the time needed to prepare for this claim. D.12-08-044 reached more than 400 pages, all of which Jackson reviewed to determine which substantial contributions were integrated into the final decision. We also do not claim for ongoing timekeeping or maintenance related to intervenor compensation, even though it is time consuming. The amount requested preparing this claim is also conservative because (1) NRDC is only claiming time spent by Jackson - who was the main author of the claim - even though others helped compile various sections of the claim and (2) we use Jackson's lowest rate as the basis for the preparation portion of this claim (as identified in Comment 2 below).</p> <p>In sum, NRDC made numerous and significant contributions which required extensive research and analysis. We took every effort to coordinate with other stakeholders to reduce duplication and increase the overall efficiency of the proceeding. Since our work was efficient, hours conservative, and billing rates low, NRDC's request for compensation should be granted in full.</p>	
<p>c. Allocation of Hours by Issue See Attachment 1</p>	<p>Yes. Attachment 1 to NRDC's claim is not re-attached to this decision.</p>

B. Specific Claim:*

CLAIMED						CPUC AWARD			
ATTORNEY, EXPERT AND ADVOCATE FEES									
Item	Year	Hours	Rate	Basis for Rate	Total	Year	Hours	Rate	Total
A.Jackson	2011	166	\$185	Comment 2	\$30,710.00	2011	123.8	\$ 185.00	\$22,903.00
A.Jackson	2012	73.50	\$205	Comment 2; Res ALJ 281	\$15,067.50	2012	42.8	\$ 205.00	\$8,774.00
Subtotal:					\$45,777.50	Subtotal:			\$31,677.00
OTHER FEES									
Item	Year	Hours	Rate	Basis for Rate	Total	Year	Hours	Rate	Total
[Person 1]			\$		\$			\$	\$
Subtotal:					n/a	Subtotal:			\$0
INTERVENOR COMPENSATION CLAIM PREPARATION **									
Item	Year	Hours	Rate	Basis for Rate	Total	Year	Hours	Rate	Total
A. Jackson	2012	10	\$92.50	Comment 2 1/2 of normal rate for 2011	\$925.00	2012	10	\$102.50	\$1,025.00
Subtotal:					\$925.00	Subtotal:			\$1,025.00
COSTS									
#	Item	Detail	Amount	Amount					
Subtotal:				Subtotal:					
TOTAL REQUEST :			\$46,702.50	TOTAL AWARD :	\$32,702.00				
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it requested compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>** Reasonable claim preparation time typically compensated at 1/2 of preparer's normal hourly rate (the same applies to the travel time).</p>									
Attorney		Date Admitted to CA BAR⁴		Member Number		Actions Affecting Eligibility (Yes/No?)		If "Yes", attach	

⁴ This information may be obtained at: <http://www.calbar.ca.gov/>.

			explanation
Alexander (Alex) Jackson	December 4, 2009	267099	No

C. Additional Comments on Part III:

#	Claimant	CPUC	Comment
Attachment 1	x		Staff time records and allocation of time by issue area.
Comment 1	x		Decision 12-08-044 is the culmination of more than two years of work addressing a myriad of energy efficiency policy issues related to service delivery to low-income customers through ESAP. While D.12-08-044 addresses a number of those issues, NRDC worked on other matters that were not addressed or resolved in the final decision. We claim hours only for issues directly addressed in D.12-08-044 and reserve the right to claim the remaining time if the remaining issues are resolved in subsequent decisions.
Comment 2	x		<p>Rationale for Alex Jackson's rate</p> <p><u>2011 Rate:</u> We request a rate comparable to colleague Max Baumhefner, for second year attorneys. The 2011 rate proposed for Alex Jackson is consistent with the proposed approval of Mr. Baumhefner's rates currently under consideration for a claim in R.09-08-009 for attorneys with 2 years of experience.</p> <p><u>2012 Rate:</u> In 2012, Jackson now has 3 years of experience and therefore requests a rate of \$205, which is the lowest of the published range in Res ALJ-281 for lawyers with 3+ years of experience. Per D.08-04-010, intervenors can qualify for a rate increase when "moving to a higher experience level: where additional experience since the last authorized rate moved a representative to a higher level of experience." (D.08-04-010, p. 8.)</p>

D. CPUC Disallowances & Adjustments:

#	Reason																																																												
	<p>We adjust the allowed hours in each issue area by these factors:</p> <table><tr><td>A</td><td>ESAP All Issues</td><td>79.1%</td></tr><tr><td>B</td><td>Integration</td><td>0.0%</td></tr><tr><td>C</td><td>Leveraging</td><td>0.0%</td></tr><tr><td>D</td><td>Program Design and Delivery Model</td><td>100.0%</td></tr><tr><td>E</td><td>Marketing Education and Outreach</td><td>100.0%</td></tr><tr><td>F</td><td>(removed)</td><td>0.0%</td></tr><tr><td>G</td><td>Cost-effectiveness</td><td>100.0%</td></tr><tr><td>H</td><td>ESA Program Measures</td><td>33.0%</td></tr><tr><td>I</td><td>3 Measure Minimum Rule</td><td>0.0%</td></tr><tr><td>J</td><td>Refrigerator Replacement</td><td>0.0%</td></tr><tr><td>K</td><td>CFLs</td><td>0.0%</td></tr><tr><td>L</td><td>Multifamily - enrollment and delivery</td><td>33.0%</td></tr><tr><td>M</td><td>Multifamily - prohibition on heating/hot water</td><td>0.0%</td></tr><tr><td>N</td><td>Workforce, Education and Training</td><td>0.0%</td></tr><tr><td>O</td><td>CARE All issues</td><td>0.0%</td></tr><tr><td>P</td><td>High Usage Customer Proposal</td><td>100.0%</td></tr><tr><td>Q</td><td>Calculating Eligible Population</td><td>100.0%</td></tr><tr><td>R</td><td>Progam deadlines, mid-cycle changes, public meetings</td><td>100.0%</td></tr><tr><td>S</td><td>Working Groups</td><td>100.0%</td></tr><tr><td>T</td><td>Pilots</td><td>0.0%</td></tr></table>	A	ESAP All Issues	79.1%	B	Integration	0.0%	C	Leveraging	0.0%	D	Program Design and Delivery Model	100.0%	E	Marketing Education and Outreach	100.0%	F	(removed)	0.0%	G	Cost-effectiveness	100.0%	H	ESA Program Measures	33.0%	I	3 Measure Minimum Rule	0.0%	J	Refrigerator Replacement	0.0%	K	CFLs	0.0%	L	Multifamily - enrollment and delivery	33.0%	M	Multifamily - prohibition on heating/hot water	0.0%	N	Workforce, Education and Training	0.0%	O	CARE All issues	0.0%	P	High Usage Customer Proposal	100.0%	Q	Calculating Eligible Population	100.0%	R	Progam deadlines, mid-cycle changes, public meetings	100.0%	S	Working Groups	100.0%	T	Pilots	0.0%
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Adoption of Alex Jackson’s hourly rate(s).	Resolution ALJ-281 sets 2011 rates for attorneys with 0-2 years of experience at \$150-\$205 per hour. Having been licensed in 2009, the Commission finds Alex Jackson to be within the 0-2 year range. After reviewing Jackson’s credentials, the Commission adopts the hourly rate of \$185 per hour for work he completed in 2011. In 2012, Jackson had 3 years of experience. The Commission adopts the rate of \$205 per hour for work Jackson completed in 2012, consistent with Resolution ALJ-281.																																																												

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6)) (Y/N)?	Yes.

FINDINGS OF FACT

1. The NRDC has made a substantial contribution to D.12-08-044.
2. The claimed fees and costs, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The total of reasonable compensation is \$32,702.00.

CONCLUSION OF LAW

1. The claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Natural Resources Defense Council is awarded \$32,702.00.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company shall pay The Natural Resources Defense Council the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 12, 2013, the 75th day after the filing of The Natural Resources Defense Council's request, and continuing until full payment is made.
3. The comment period for today's decision was waived.

This order is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision? No
Contribution Decision(s):	D1208044	
Proceeding(s):	A1105017	
Author:	ALJ Kimberly Kim	
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier	Reason Change/Disallowance
Natural Resources Defense Council	10/29/12	\$46,702.50	\$32,702.00	No	

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Alex	Jackson	Attorney	Natural Resources Defense Council	\$185	2011	\$185
Alex	Jackson	Attorney	Natural Resources Defense Council	\$205	2012	\$205

(END OF APPENDIX)